



RECEIVED

JUL 11 2001

TECH CENTER 1600/2900

Attorney Docket No.: HMV-038.02  
(19788-3802)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: McKeon et al.

Serial No: 09/538,106

Filed: March 29, 2000

Title: Cell Regulatory Genes, Encoded Proteins and  
Uses Related There to

Group Art Unit: 1643

Examiner: To Be Assigned

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

7/5/01  
Date of Signature  
and of Mail Deposit

Robert King

Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 (b)(3)**

Sir:

Submitted herewith on Form PTO-1449 is a list of publications in compliance with the requirements of 37 CFR 1.56; a copy of each publication is being submitted herewith except references identified in the form PTO 1449 as: AC, AF, AN, AP, AS, AT, and AV which were submitted in the parent application SN: 09/174,493, filed on October 15, 1999.

This Information Disclosure Statement is being submitted before the mailing date of the First Office Action on the merits; therefore, no fee is due.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account, No. 06-1448.

Respectfully submitted,

FOLEY, HOAG & ELIOT, LLP

By: 

Anita Varma

Reg. No. 43,221

Attorney for applicants

Dated: 7/5/01

Customer No.: 25181

Patent Group

Foley, Hoag & Eliot LLP

One Post Office Square

Boston, MA 02109

Voice: (617) 832-1242

Facsimile: (617) 832-7000